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SUBJECT: PART II OF III: Seventh Annual Anti-Trafficking Report -  
Czech Republic

Ref: 06 STATE 202745

1. (U) Sensitive But Unclassified entire text; not for internet  
distribution.

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PREVENTION (ref Para 28 SECSTATE 202745)  
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G) The First Deputy Minister of the Czech Interior Ministry has primary responsibility for the implementation of the National Strategy for the Fight Against Trafficking in Human Beings. In September 2005 the government created the Interdisciplinary Committee on Trafficking, which includes representatives from other ministries (such as Justice, Health, Labor and Social Affairs, and the Foreign Ministry) and NGOs. The group met twice in 2006 to discuss ways to better manage the trafficking situation in the Czech Republic. The committee focused on the implementation of various requirements of the national antitrafficking strategy, and strengthened their implementation of the Program of Support.

Representatives from the Ministry of Interior's Crime Prevention Department and the Security Policy Department as well as the police's Organized Crime Unit also conduct monthly outreach meetings with the NGOs following trafficking in persons closely (La Strada, Caritas, Rozkos bez Rizika and IOM) to discuss trends, new ideas and specific cases of victim assistance.

The government's Human Rights Commission also monitors trafficking issues and proposes actions to the Cabinet. The government has a specific anti-corruption police unit, The Unit to Combat Corruption and Financial Criminality. The Office of Detection of Illegal Proceeds and Taxes (financial police) established in 2004 was merged with the anti-corruption unit as of January 1, 2007. The Supreme and Higher Prosecution Offices also have specific departments that deal strictly with corruption and serious financial crimes.

H) In July 2005, the Czech Government published its National Strategy of the Fight Against Trafficking in Human Beings 2005-2007. The first such document was published in 2003. The Interior Ministry has primary responsibility for the publication, assessment, revision of the plan, and the Security Policy Office works extensively within the Interior Ministry (mainly with the Alien and Border Police, the Organized Crime Unit, and Office for the Prevention of Criminality) and with other Ministries and NGOs. The Ministries of Education, Justice, Foreign Affairs, and Labor and Social Affairs are assigned specific benchmarks and requirements in the National Strategy.

In August 2006, the government approved an additional national campaign entitled "National Plan to Combat Commercial Sexual Exploitation of Children for 2006-2008". This plan is the fourth campaign to focus explicitly on the issue of commercial sexual exploitation of children, including child prostitution, child pornography and trafficking in children. The plan includes detailed description of the situation in the Czech Republic and evaluates earlier efforts from the previous plan (2004-2006). Many ministries are involved in the campaign including the Ministry of Interior, Ministry of Labor and Social Affairs, Ministry of Education, Ministry of Justice and Ministry of Health. As laid out in the plan, the main priorities are: better coordination of local institutions that provide care to endangered children, better analyzation and collection of information about different forms of social pathological features of criminals that prey on children, improved protection of children from being exploited (e.g legislative changes in the areas of conditions for work with minors and the criminalization of possession of child pornography), increased opportunities of after-school activities for endangered children, decrease the number of children being placed in special care institutions (orphanages) and finding more possibilities of use of foster care, increasing the awareness of sexual exploitation of children (among journalists, parents and the lay public), and finally creating a "friendly" environment for child victims and witnesses in the judicial system.

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INVESTIGATION AND PROSECUTION OF TRAFFICKERS (ref Para 29 SECSTATE 202745)  
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A) The trafficking of men, women and children for sexual purposes is illegal under Section 232a and 216a of the Czech Criminal Code.

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Section 232a came into force in November 2004 and replaced the previous section of the Criminal Code dealing with trafficking, 246. As opposed to 246, Section 232a now criminalizes both trafficking for sexual and non-sexual purposes including forced labor, and internal as well as cross-border trafficking. Since the 2004 law cannot be applied retroactively, cases begun under Section 246 continue to use that statute until they are resolved. No new cases have been initiated under Section 246 since the inception of the new statute. Because of the complexity of investigating trafficking cases, and because of the habitually lengthy delays in the Czech judicial systems, all cases brought to trial in 2005 under specific trafficking statutes were still adjudicated under Section 246. There was one ongoing prosecution and one conviction under Section 246 in 2006. The Government continued to charge traffickers with pimping when they felt that they had a better chance of conviction with that statute.

Police and prosecutors also routinely use laws against pimping, rape, kidnapping, participation in criminal conspiracy, restriction of personal freedom, sexual abuse of minors, and endangering the morals of juveniles against traffickers. In an attempt to target the demand for sexual services, in January 2004 a new section of the Criminal Code, Section 217a, made "inducement" of sexual intercourse (offering money or other inducement for sex or sex acts) to persons under 18 illegal and punishable by up to 5 years imprisonment. Section 216 of the criminal code, criminalizes trafficking in children (defined as under 18), and also bans the abduction of minor children (or physically or mentally handicapped persons) from their legal guardians.

B) The maximum prison sentence for trafficking for the purposes of sexual exploitation, under Section 232a of the Criminal Code, increased from 12 to 15 years in 2004. The minimum penalty is now two years. Penalties for trafficking in children range from two to 10 years. These penalties are fully consistent with sentences for serious sex offenses and violent crimes.

C) The maximum prison sentence for trafficking for the purposes of forced labor, under Section 232a of the Criminal Code, increased from 12 to 15 years in 2004. The minimum penalty is now two years.

The government criminally fines employers who violate work contracts or confiscate workers travel documents. Fines can be as much as 500,000 kc (\$25,000) per occurrence and fines in the millions of crowns (several hundred thousand dollars) have resulted from employers violating the rights of a number of employees. When employers use abuse, physical or sexual, against employees they are charged with crimes ranging from denial of personal liberty, rape, assault and trafficking in persons.

D) The maximum penalty for rape is now the same as that for trafficking, 15 years; the minimum penalty is two years.

E) Prostitution in the Czech Republic is unregulated, and it is therefore neither legal nor illegal. Activities of the prostitute are not currently criminalized.

The Ministry of Interior however has indicated it has drafted legislation that will be introduced over the coming year that would broaden the definition of disorderly conduct to include street prostitution. The first two convictions under the new law would be misdemeanors but a third conviction would be a felony punishable by up to 2 years in jail.

Pimping (and its associated activities), however, is specifically criminalized under Czech law, and traffickers are often charged under pimping statutes when the use of the trafficking statutes is considered too difficult.

F) During 2006 police investigated 14 offenders and made 15 arrests in multiple trafficking cases. One previous case (under the pre-November 2004 statute) was prosecuted, resulting in 1 trafficking conviction. Another case under the new statute was prosecuted resulting in another conviction. For the first time, in 2006 the government convicted two criminals under its child trafficking statute. None of the four offenders convicted of trafficking received unconditional sentences; 4 received suspended sentences. During the same time frame 88 persons (many of them traffickers) were charged with pimping, with 68 convictions resulting. Twelve of the criminals charged with pimping were sentenced to jail time, while seven others were forced to pay fines.

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Pimping charges are often used to prosecute traffickers because of the complexity of the trafficking statute. Individuals not charged specifically with trafficking were charged with other offenses such as pimping, conspiracy, denial of personal liberty, rape, inducement of a minor for sexual intercourse, etc.

The government criminally fines employers who violate work contracts or confiscate workers' travel documents. Fines can be as much as 500,000 kc (\$25,000) per occurrence and fines in the millions of crowns (several hundred thousand dollars) have resulted from employers violating the rights of a number of employees. When employers use abuse, physical or sexual, against employees they are charged with crimes ranging from denial of personal liberty, rape, assault and trafficking in persons. Traffickers serve the time sentenced and remain on probation upon release.

An excellent example of Czech police investigative best practices is the September 2006 break up one of the largest local criminal syndicates trafficking woman to Scandinavia. The police arrested 16 individuals for trafficking numerous young Czech and Slovak Romani girls to Norway. The police stated that typically the girls were trafficked from small communities to Prague, where they were forced into prostitution. Once deemed "experienced" the traffickers sent the girls and women to Norway. Each victim was required to pay the traffickers 12,000 kc (\$600) daily and during the six months the traffickers were monitored by the police they took in over 12 million crowns (\$600,000) from their trafficking victims. Police estimate the trafficking syndicate had been functioning for several years. More than 160 Czech police were involved in the sting operation.

A Vietnamese criminal group that was active in the Czech Republic, Vietnam and Germany was broken up when the Czech police arrested 6

offenders for pimping and trafficking in persons. The criminals would traditionally recruit Vietnamese girls for legal work in the Czech Republic, but upon arrival in the country the women were forced into prostitution. The success of the police to break up this organized crime syndicate is notable given the fact that the traffickers, victims and clients are exclusively Vietnamese making such criminal organizations extremely difficult to infiltrate.

The Czech regional court in Plzen in January 2007 sentenced two Germans with sexually molesting multiple young Czech boys, the youngest being seven years old, in the Czech town of Klatovy. The two Germans were sentenced to 5 years and 3 years in jail respectively. The Germans paid the children with money or gifts for sexual intercourse. Czech police worked closely with German police to bring the case to a positive result. In addition to those convicted of trafficking, 16 individuals were convicted of inducement of minors for sexual intercourse in 2006.

In July 2006, three additional individuals were arrested under the child trafficking statute for attempting to sell a 10-month old girl for 100,000 Euros to a couple in the United Kingdom.

G) Sex trafficking remains dominated by organized criminal groups from the former Soviet Union (predominantly Russia, Ukraine, and Belarus) and Bulgaria.

A significant number of Vietnamese and Chinese women are trafficked into the Czech Republic by Asian Organized Crime syndicates. There are significant Vietnamese and Chinese communities in the Czech Republic, and police and NGOs report that Asian sex trafficking victims will often be forced to work in social clubs and brothels catering exclusively to the Asian community. Asian trafficking operations are particularly difficult to combat due to the relatively closed nature of the communities in the country, a higher observed level of violence as a means of control, and the more complete dependence of trafficked women on their sponsors.

Among other groups, police have noted a marked trend away from direct violence, and they instead use what police refer to as "soft exploitation". "Soft exploitation" involves the concerted use of psychological and financial pressure against the victim to secure their compliance.

Roma criminal groups are involved in the internal trafficking of Roma and non-Roma Czech women. This internal trafficking is often tied to specific groups or families. As a rule sex trafficking organizations tend to be smaller groups of individuals who form opportunistic alliances and relations with other groups for specific

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purposes. NGOs have observed that these groups or types of groups frequently operate within specific territorial zones.

Labor trafficking organizations, on the other hand, were revealed in the two 2005 studies to be highly sophisticated operations with extensive organized crime groups that operate in several different countries. Labor trafficking organizations will frequently act within the framework of a former USSR-model "client" system and the organization will act as brokers or contractors for illegal labor. These groups will often deduct large portions of the worker's salary. Different studies have indicated that nearly all laborers working illegally in the country do so under the auspices of an interlocutor.

There is no evidence at all to suggest that government officials are involved in trafficking, but there are rumors of alleged corruption of a limited number of members of the Alien and Border Police. However, once the Czech Republic joins the Schengen Agreement at the beginning of 2008 the Czechs will no longer have a functioning border police due to the fact that all Czech border countries will be EU and Schengen member states. As a result, only at airports will there be passport and immigration control.

In order to reduce the opportunity for possible corruption, the Government in the latest amendment to the law on the residence of foreigners switched responsibility regarding decisions on long-term

residency for protection purposes from the Alien and Boarder Police to the Ministry of Interior. Police believe that trafficking organizations often launder their profits through casinos, as well as through real estate transactions and other investments in the Czech Republic, channeling funds home to organized crime affiliates or operations. Gambling organizations and casinos are only loosely regulated in the Czech Republic.

H) The Czech Government devotes considerable effort to dismantling trafficking organizations. The Interior Ministry has established a specialized police investigative unit, the Organized Crime Unit (UOOZ), specifically for this purpose. The UOOZ, in addition to investigative responsibilities, also plays a critical role in the implementation of the Model Program for the Support of Victims of Trafficking. The Organized Crime Unit suffered from personnel turbulence in 2005, due to changes in police retirement laws, but the situation improved in 2006 and the Organized Crime Unit created a new specialized police unit to combat trafficking in person for the purposes of forced labor. This significantly increased the number of police investigators strictly working on trafficking in persons issues. The national police are also in the process of identifying specific officers at the regional level that will function as local liaisons to the forced labor section. The new unit cooperates closely with local police, NGOs, Labor Offices and Labor Inspectorates. The creation of a police unit solely focused on forced labor is unique in the region and reflects the Czechs commitment to address the problem. It should also be noted that in a country suffering from corruption, the Organized Crime Unit has an excellent record and reputation for probity and integrity.

Police and investigators often use other statutes and charges under which conviction can be easier and more assured; this is especially true when alternative serious charges carry comparable penalties to the trafficking statute. Faced with a goal of dismantling an organized crime network, Czech police will often use the most expedient serious charge available for which they can reasonably expect a conviction.

Labor trafficking remains an area of intense interest to the Czech Government since the publication in 2005 of two government-funded studies that indicated that the problem was more widespread than previously thought. Responding to this problem, Czech law has directly incorporated language from international trafficking conventions to criminalize forced labor. The creation of the forced labor section within the trafficking division should greatly assist in these efforts. The Czech Supreme Prosecutor's Office is currently examining revisions and addendums to its Criminal Code and internal guidelines that will also provide better clarity on labor trafficking. In the interim, the Ministry of Interior has translated into Czech for the use of the police and prosecutors a new International Labor Organization (ILO) manual entitled "Forced Labor Trafficking - How to Monitor Recruitment of Working Migrants". The manual provides local police and prosecutors a better understanding of the labor trafficking issue and the official ILO definition of labor trafficking.

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Child pornography continues to spread via the internet and while production of child pornography is a crime, the Czech Republic is the only country in the EU where mere possession of child pornography is not a crime. This issue was highlighted recently when the Austrian police notified their Czech counterparts that more than a dozen Czechs had downloaded child pornography from a computer server in Austria. The Czech authorities had to explain that currently this was not a crime in the Czech Republic. There is legislation pending before parliament that is likely to be approved this year that would finally criminalize the possession of child pornography.

The Organized Crime Unit is extremely aggressive in using electronic surveillance, undercover operations and all other means of effective investigative techniques in its trafficking investigations.

An excellent example of Czech police investigative best practices is the September 2006 break up one of the largest local criminal

syndicates trafficking woman to Scandinavia. The police arrested 16 individuals for trafficking numerous young Czech and Slovak Romani girls to Norway. The police stated that typically the girls were trafficked from small communities to Prague, where they were forced into prostitution. Once deemed "experienced" the traffickers sent the girls and women to Norway. Each victim was required to pay the traffickers 12,000 kc (\$600) daily and during the six months the traffickers were monitored by the police they took in over 12 million crowns (\$600,000) from their trafficking victims. Police estimate the trafficking syndicate had been functioning for several years. More than 160 Czech police were involved in the sting operation.

I) The Resident Twinning Advisors for Human Trafficking, working under the auspices of the EU PHARE program, worked closely with the Interior Ministry to improve the level of trafficking awareness and training in the Czech police. Prior to the program ending in November 2005, the advisor had trained several hundred police officers. The advisor also worked with the Ministry to complete in 2005 an updated training manual for police on trafficking, with a priority being to help street-level, non-specialized police officers recognize potential or possible trafficking victims and to access the appropriate state or NGO agencies. Most of the training activities continued in 2006 due to Ministry of Interior funding including regional roundtables. Representatives of the trafficking department within the Organized Crime Unit continued to provide one-day trafficking seminars at secondary police schools. Police investigators inform students about the specifics of detecting and investigating trafficking cases, about necessary cooperation with NGOs and provide information on assistance to victims.

NGOs are uniformly in agreement that Czech police, while not perfect, have greatly enhanced their ability to identify victims of trafficking due to diligence of higher-up authorities and the Ministry of Interior in reinforcing the importance of combating trafficking into the basic police curriculum. Most victims are currently identified by the police and NGOs agree that the police effectiveness in dealing with victims when compared to just three years ago is astoundingly good.

The Government has also sponsored several training programs and seminars at its Judicial Academy for prosecutors and judges that focus upon improving prosecution for these offenses. One of the purposes of the program has been to confront the issue of the generally low sentences that have historically been meted out to convicted traffickers by Czech courts. The training also addressed other topics including the commercial sexual exploitation of children, and best practices in working with minors. The government has instituted numerous other programs focused upon educating local officials, NGOs, and other social service agencies at regional levels to help identify and respond to trafficking victims (see above).

J) The Czechs cooperate extensively with other European governments in investigating and prosecuting trafficking cases, and have worked especially closely with Germany, Austria, Denmark, Holland, France, Britain, Italy, Slovakia, Switzerland and Poland. Czech officials have noted an improvement in the attitude and level of cooperation with Ukrainian officials since the "Orange Revolution" of early 2005. The Czechs are members of EUROPOL and INTERPOL.

The Czech Republic has law-enforcement cross-border cooperation

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agreements with Germany and Slovakia; agreements with Poland, Austria are currently under preparation.

In 2006, international cooperation with Czech police has been very successful. The Organized Crime Unit with foreign partners worked on 33 cases of international criminal organizations that focused on commercial sexual exploitation of women and children, production and spreading of children pornography, including across the internet.

In July, three individuals were arrested for attempting to sell a 10-month old girl for 100,000 Euros to a couple in the United Kingdom. The Czech police were alerted to the case by their British

counterparts when advertisements were placed in the British press.

A Vietnamese criminal group that was active in the Czech Republic, Vietnam and Germany was broken up when the Czech police arrested 6 offenders for pimping and trafficking in persons. The criminals would traditionally recruit Vietnamese girls for legal work in the Czech Republic, but upon arrival in the country the women were forced into prostitution. The success of the police to break up this organized crime syndicate is notable given the fact that the traffickers, victims and clients are exclusively Vietnamese making such criminal organizations extremely difficult to infiltrate.

The Czech regional court in Plzen in January 2007 sentenced two Germans with sexually molesting multiple young Czech boys, the youngest being seven years old, in the Czech town of Klatovy. The two Germans were sentenced to 5 years and 3 years in jail respectively. Czech police worked closely with German police to bring the case to a positive result.

K) Although the Czech government has adapted the European Arrest Warrant, current interpretation of language in the Czech Constitution designed to proscribe the use enforced exile (a favored tactic of the Communist regime) also prohibits the extradition of Czech nationals charged in foreign courts. No Czechs have been extradited under the EAW. Three wanted Israeli nationals hiding in the Czech Republic were arrested and extradited to Israel in 2006 for trafficking Ukrainian women. Although the Czech Government does extradite foreign suspects for trafficking offenses without problems, extradition of Czech nationals remains controversial.

L) There is no evidence of government involvement in or tolerance of trafficking. NGOs have reported concerns that individual officers of the border police may have been involved in facilitating border crossing for traffickers but have been unable to provide any proof of corruption. However, once the Czech Republic joins the Schengen Agreement at the beginning of 2008 the Czechs will no longer have a functioning border police due to the fact that all Czech border countries will be EU and Schengen member states. As a result, only at airports will there be passport and immigration control.

M) With no evidence of government involvement in or tolerance of trafficking, there have been no government officials indicted or convicted in connection with such activity.

N) Pedophile sex tourists in the Czech Republic are predominately German and Austrian although British and American pedophiles have been known to travel to Prague. On the German border in Cheb, the Government continued to support activities of its specialized police team, "Eger", as well as worked closely with Roma police assistants. In addition, two projects were organized within the framework of a trilateral Czech-German-Polish working group. These projects focused on the creation and distribution of informative leaflets warning against sex tourism. The local government and police force also continued close cooperation with several local NGOs. One such example of successful cooperation is coordination with the German NGO EJF-Lazarus (evangelic social services to youth) that provides care for criminal delinquent children and youth all over Germany. EJF-Lazarus opened a specialized center in Cheb named "Utociste" that is focused on high-risk children, usually runaways with psychological problems. The Cheb police developed a new "case management" system: a holistic approach focused on working with specific youth and children that are high-risk. The system requires the close cooperation of the police and other social-legal institutions such as children protective services, doctors, probation and mediation services as well as counseling centers. This best practice has been adopted by police in other regions.

In the area of trafficking in children, the police are intently focused on organized child prostitution. Czech police are very

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proactive in cooperating with their German and Austrian counterparts, since these are the source countries of most pedophiles in the Czech Republic. In an improvement over previous years, the police investigated 3 cases of trafficking in children and there were also two convictions in 2006. In addition, there were

16 individuals that were convicted of inducement of minors for sexual intercourse. The largest problem is the spread of child pornography through the internet. The largest obstacle is that while production of child pornography is a crime, the Czech Republic is the only country in the EU where mere possession of child pornography is not a crime. This issue was highlighted recently when the Austrian police notified their Czech counterparts that more than a dozen Czechs had downloaded child pornography from a computer server in Austria. The Czech authorities had to explain that currently this was not a crime in the Czech Republic. There is legislation pending before parliament that is likely to be approved this year that would finally criminalize the possession of child pornography.

It should also be noted that the reports of extensive child prostitution in Cheb published in 2005 by a German NGO have since been seriously (and credibly) disputed by both Czech and German officials and other NGOs in the region. While child prostitution exists in the area, the scope of the problem appears to have been seriously overstated. Other studies and statistics have failed to replicate or support the German NGO's assertions.

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O) The GOCR ratified ILO Convention 182 on June 19, 2001, Convention 29 on January 1, 1993 and Convention 105 on June 8, 1996. The government signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography on January 26, 2005; it has not yet been ratified. The Czech Republic signed the Protocol to Prevent, Suppress, and Punish Trafficking in Persons on December 10, 2002; it is not yet ratified, but it will be pending resolution of the definition of criminal liability of companies in the Czech Republic. All other requirements for the ratification of the Protocol are met.